

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

~~2nd~~ ^{3rd} AMENDED SCHEDULING ORDER

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1. **BENCH TRIAL** is set for September 2, 2014 at 9:00 a.m. before United States district Judge Nelva Gonzales Ramos at the United States District Courthouse, Third Floor Courtroom (310), 1133 N. Shoreline Blvd., Corpus Christi, Texas. If the parties are prepared for trial before this date, a Joint Motion and Proposed Order indicating that the case is ready for trial and requesting an earlier date may be filed with the court.
2. The deadline for **JOINDER OF PARTIES** without leave from the Court is December 6, 2013. The deadline for **AMENDMENT OF PLEADING** is March 2, 2014. This provision does not relieve the parties from the requirement of obtaining leave to file pleading or add parties whenever required by the Federal rule of civil Procedure (*e.g.*, Fed. R. Civ. P. 15(a)(2)).
3. **PLAINTIFF United States** will disclose the output of database comparisons to all parties by May 30, 2014. See Discovery Order and Supplemental Protective Order ¶ 3 (ECF No. 174). **PLAINTIFF United States** will, within one business day, notify all parties when data from each federal agency is ready for copying and distribution to parties and experts.
4. **PLAINTIFFS' EXPERT REPORTS** are due on June 27, 2014. The **STATE'S EXPERT REBUTTAL REPORTS** are due on August 1, 2014 and the **PLAINTIFFS' EXPERT REPLY REPORTS** are due on August 11, 2014, with the exception of (1)

Reply Reports that are based, at least in part, on the corrected DPS data and accompanying Match/No Match list, and/or revised original Reports, where the revisions are solely the correction of the numbers based on the corrected DPS data and accompanying Match/No Match list, which are due on August 15, 2014, and (2) the Reply Report of Barreto/Sanchez, the due date for which will be decided after Defendants produce the Hood/Milyo data, which Veasey plaintiffs will immediately send to Barreto/Sanchez for immediate review and, as soon as feasible thereafter, the parties will initiate good faith discussions on a reasonable date for submission of the Barreto/Sanchez Reply Report. Defendants may file revised reports of Hood and Milyo limited to the corrected DPS data and the corrected Match/No Match list produced by DOJ on August 6, at any time up to August 15, 2014. If any of the revised initial reports (as contrasted to the portion of Plaintiffs' reports that will not be a revision but a reply to Defendants' reports) contain new material other than correcting their numbers as a result of the corrected DPS data production and the corrected Match/No Match list, then the parties shall immediately confer as to the need for and timing of any additional reply reports by Plaintiffs' experts or to delay or re-open the depositions of Plaintiffs' experts to allow sufficient time to evaluate and respond to any such new material, and, failing agreement, shall submit competing proposals to the Court. Written reports by experts under Fed. R. Civ. P. 26(a)(2)(B) are due at the time of designation of each expert. Parties are ordered to file only a list of proposed witnesses with the Court pursuant to Fed. R. Civ. P. 26, but NOT reports or other discovery materials.

5. **FACT DISCOVERY** shall end on **June 27, 2014**. Notwithstanding the limits set forth in Fed. R. Civ. P. 30(a)(2), Plaintiffs and Plaintiff-Intervenors shall be permitted to depose sixty (60) fact witnesses collectively, and Defendants shall be permitted to depose sixty (60) fact witnesses. **EXPERT WITNESS DISCOVERY** shall end on **August 24, 2014**, except that, by agreement of the parties, depositions of experts may continue beyond that date.
6. **DISPOSITIVE MOTIONS** that are not reliant on expert discovery shall be filed no later than **July 7, 2014**.

7. **PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW** are due on **August 1822, 2014**. The Plaintiffs shall coordinate and file a joint set of proposed findings and conclusions. Neither the Plaintiffs' nor the Defendants' filings shall be subject to any page limitation. Proposed Finding of Fact may be supplemented, if necessary, to reflect information discovered in deposition occurring after the filing of the Proposed Finding of Fact. The parties may supplement their proposed FOF to reflect information discovered in depositions that occur after August 21, 2014, which supplementations would be due on September 2, 2014. DESIGNATIONS FROM TRANSCRIPTS are due on August 22, 2014. OBJECTIONS TO DESIGNATIONS AND COUNTER-DESIGNATIONS are due on August 27, 2014. OBJECTIONS TO COUNTER-DESIGNATIONS are due on September 2, 2014.
8. Except for good cause, the deadline for filing all **DISPOSITIVE MOTIONS** is on **August 22, 2014**. **RESPONSES** to dispositive motions are due on **August 29, 2014**. Failure to respond timely will be considered by the Court as if the motion is unopposed, and the motion may be granted. Legal memoranda greater in length than **twenty-five (25) pages** shall **NOT** be filed without leave of Court. If deposition testimony is attached as an exhibit, it shall be submitted in the condensed or mini-script format, *i.e.*, four pages to one page.
9. **DAUBERT MOTIONS** shall be made orally following the conclusion of an expert's testimony.
10. The original and one copy of the parties' **JOINT PRETRIAL ORDER** shall be filed no later than **August 220, 2014**. Plaintiff(s) will be responsible for the filing of a Joint Pretrial Order, executed by the attorney-in-charge for each party, and conforming fully with the form set out in Appendix B of the Local Rules of the Southern District of Texas. This satisfies the requirements of Fed. R. Civ. P. 26(a)(3). In the event of any failure to cooperate in signing the Joint Pretrial Order, a party may file, by the Joint Pretrial order deadline, a motion for leave to file a Joint Pretrial order without the signatures of all counsel, showing good cause. Differences of the parties with respect to any matter relevant to a pretrial order will be set forth in the Joint Pretrial Order at the appropriate place. Willful or indifferent failure to submit a well-prepared Joint Pretrial Order in a

timely fashion or to respond to its completion is cause for dismissal in the case of Plaintiff, or in the case of Defendant, is cause for default. Parties are also ordered to submit objections to deposition testimony with the Joint Pretrial Order.

11. Any party may pre-file, no later than **August 27, 2014**, any direct examination or declaration of a trial witness in lieu of live testimony, provided that party makes the witness available for cross examination at trial.
12. **FINAL PRETRIAL CONFERENCE** is set for **August 27, 2014 at 9:00 a.m.** before United States District Judge Nelva Gonzales Ramos at the United States District Court, Third Floor Courtroom (310), 1133 N. Shoreline Blvd., Corpus Christi, Texas. The attorney-in-charge for each party is required to be present.
13. All pleadings, motions, briefs, memoranda, and request for affirmative relief will be directed to the court in **pleading form**, not correspondence form, though the United States District Clerk in Corpus Christi, Texas:

**United States District Clerk
Corpus Christi Division
Southern District of Texas
1133 N. Shoreline Blvd.
Corpus Christi, TX 78401**

You are requested **NOT** to use the informality of letter briefs, letters citing authorities, or letters requesting continuances or other affirmative relief. Additionally, do not copy the Court on letters between the parties.

ORDERED this ____ day of ~~July~~August, 2014.

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE